



Northwestern University Students for Net Neutrality
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February 13, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Suite TW-A325
Washington, DC 20554

Re: WC Docket No. 07-52

Dear Secretary Dortch:

The controversy surrounding broadband operators that are allegedly filtering, blocking and degrading customer Internet usage is a great concern to business students like those of us filing this petition. As students of business and technology pursuing our master's degree in the Communication Systems Strategy and Management Program at Northwestern University in Evanston, Illinois, we understand that the foundations of a vibrant digital economy are built upon a robust Internet infrastructure that provides equal access to all those who wish to use it. If broadband network operators are allowed to alter or degrade the service they provide based on arbitrary and clandestine standards it will undermine the trust users have in Internet services and ultimately undermine their trust in the economy that is built upon it.

Additionally, as active participants in our democracy, we would also like to point out that while the Internet is fueling our new digital economy, it has also quickly become a primary method of communications for the citizenry. We feel that, while broadband network operators have the right to manage their network for quality of service, they should not have the right to make decisions about which types of communications are allowed and disallowed. While it is true that some of P2P network traffic is transferring illegal copies of copyrighted material, it is not true that all P2P traffic does so. Broadband network operators should be required to disclose and expose their filtering practices and be open and willing to alter them based on public feedback. Anything less undermines the basic tenets of free and unfettered communications requisite in a democracy.

And as many of our group are current subscribers to Comcast High-Speed Internet Service, we are deeply troubled by reports that Comcast blocks and degrades those subscribers using peer-to-peer protocols to transfer large files. We are even more concerned that they have publicly and adamantly denied engaging in such behavior even as they continued to do it. The Associated Press and the Electronic Frontier Foundation released studies that uncovered Comcast's actions. The company quickly backtracked and said that they were merely "delaying" traffic and employing good network management to provide optimal service to their customers. The Electronic Frontier Foundation study revealed that, in reality, Comcast was spoofing traffic – impersonating both the sender and the receiver to block the protocols and break the connection.

Their behavior should cause for great concern. Comcast violated the FCC's Internet policy by interfering with a consumer's ability to run applications of their choice. They hid their practices from their subscribers and publicly lied about it. The company has promised unlimited, high speed Internet access to their more than 12 million subscribers. However, by spoofing and jamming subscriber traffic, they fail to deliver on that promise. The company said that it does not actively look at a user's application or content, yet that is exactly what they do – in the name of good "network management."

Unfortunately, other providers have also adopted similar tactics. AT&T has made no secret of the fact that they are developing filtering technology to intercept the illegal distribution of copyrighted material across their network. Recently, Verizon blocked text messages from an abortion rights group because the carrier deemed those messages "controversial" and "unsavory," and that they had every right to do so.

Broadband network operators do have a right to manage their networks, but we believe they should do so in a manner that is transparent and nondiscriminatory and that does not interfere with the applications their subscribers choose to use. To do otherwise is to violate a neutral Internet platform. If Comcast is confident that such actions are justified, it should explicitly state that when advertising their service. If customers do not prefer this interference, Comcast could charge them a premium fee for less restricted connection. Such a policy would demonstrate that Comcast is a reasonable organization capable of having open business policies and response to market demands. Many corporations have such policies and openly administer them.

It is our opinion that by engaging in their current business practices they are wielding their considerable market power to unfairly control the flow of applications and content to the Internet, and in doing so they are hindering our right to free speech and our reasonable expectation of privacy. Their actions are part of a growing and very troubling trend that violates the principles of net neutrality and the constitutional rights of private citizens.

Congress long ago determined that the Internet should be free of regulation in order to spur the growth of innovation, and to provide a neutral platform for exchange of ideas and information. The FCC established an Internet policy in that would encourage "the open and interconnected

nature of the public Internet” and “to encourage broadband deployment.” In this policy the Commission enumerated consumer entitlements: 1) consumers are entitled to run applications and use services of their choice; 2) that consumers are entitled to access the lawful Internet content of their choice; and 3) consumers are entitled to competition among network providers, application and service providers, and content providers.” Yet Comcast and other broadband network operators violate all of these principles by blocking consumers’ access to application, content, and competition, such as peer-to-peer applications like BitTorrent.

We believe that it is time for Congress to require broadband network providers to state their broadband access and usage policies in clear terms. The FCC should monitor such behavior and take action against those firms that fail to comply with them. Congress should also limit the broadband network providers’ abuse of their market power. They should charge the FCC with the responsibility to oversee the use of discriminatory access practices, such as blocking. Our government has an obligation to ensure that the Internet remains a neutral platform to promote innovation and the exchange of ideas and information. Most importantly, it is the government’s obligation to protect its citizens’ right to free speech and a reasonable expectation of privacy.

We appreciate the FCC’s continued commitment to expanding broadband deployment, and for your support of the open nature of the Internet. We hope you will consider our comments and the comments of thousands of concerned citizens as you consider rules to protect net neutrality and an open innovation platform for business growth.

Sincerely,

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